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09/897,237	07/02/2001	Mika Munenaka	09792909-5086	8226

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SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/897,237

Applicant(s)

MUNENAKA ET AL.

Examiner

Benjamin A. Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 May 2007 has been entered.
2. Claims 1-27 remain pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2142

5. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al. (US 5,933,811), hereinafter referred to as Angles, in view of Prust (US 6,735,623).

6. Regarding claim 1, Angles teaches a content managing system having a content managing portion comprising:

a content library for storing files of a plurality of contents provided by a content provider (Angles, figure 4, item 70);

library managing means for managing said content library (Angles, figure 4, item 18);

Angles teaches in column 14, lines 23-26 the advertisement provider computer having registration capabilities. The registration steps include obtaining information pertaining to users and storing this information about the user in a database utilizing a registration module. Angles teaches information being stored which is related to a user but does not explicitly teach the ability to store specific files for the user in an area assigned to each user. However, in related art, Prust teaches on the ability to store specific files for the user in an area assigned to each user wherein Prust teaches a method for providing a remote storage area specifically for users in a computer networking environment wherein it would be considered desirable to store files remotely. The remote storage device disclosed by Prust is divided so that each user is assigned a specific storage area. The user is then able to access the remote storage from different locations over a network communication line from a user terminal. The user is also able to copy and store data files in their storage area (Prust, column 1, lines

Art Unit: 2142

30-37). These aspects of Prust teach on the limitations of customer file storing and managing means and the communication of a user with a content managing portion over a network. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a "customer file storing means" (remote storage area) as disclosed by Prust, in combination with the registration and user database as disclosed by Angles. One of ordinary skill in the art would have been motivated to make such a combination because of the benefit of being able to access data files from different locations (remote access). The combination of Angles and Prust teach on the content managing portion being operated remotely by a terminal unit of a user (fig. 1, items 12 and 14) so that when the user selects a content linked to a page published by the content provider through the network, the selected content is copied from said content library to the area assigned to the user (Angles, col. 8, ll. 34-42, the requesting of content; Prust, col. 1, ll. 30-37).

7. Regarding claim 2, Angles discloses the content being advertisements (col. 2, lines 49-51).

8. Regarding claim 3, Angles discloses the content managing system wherein the content provider can freely change, replace, and delete the file of a content provided to said content library (col. 13, lines 21-23 and col. 15, lines 20-42, Angles discloses the advertisement provider having full control over maintaining the content stored (generating and deleting advertisements) in the content database.).

9. Regarding claim 4, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however

Art Unit: 2142

Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is used (see Angles, col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 4.

10. Regarding claim 5, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is used and tracks demographic information including sex (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 5.

11. Regarding claim 6, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is used and tracks demographic information including age (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 6.

12. Regarding claim 7, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is

Art Unit: 2142

viewed (clicked) (see Angles, col. 4, lines 17-20, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 7.

13. Regarding claim 8, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is viewed. How often content is viewed requires the time and date in order for the statistic to be calculated efficiently (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 8.

14. Regarding claim 9, as mentioned in the rejection of claim 1, Angles does not explicitly recite the use of a storage area specifically designated for each user, however Prust teaches this feature at length. Angles does in fact teach a method for statistics gathering. Angles utilizes an accounting database which tracks how often content is used (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7). The reasoning and motivation to combine Angles and Prust as utilized in claim 1 applies equally as well to claim 9.

15. Claims 10-18 and 19-27 contain similar subject matter and are rejected under the same rationale as claims 1-9.

Response to Arguments

16. Applicant's arguments filed 25 September 2006 have been fully considered but they are not persuasive.

17. (A) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant argues with respect to Prust that Prust does not discuss storing content for a user from a content provider. It should be noted that Prust is not relied upon for teaching this aspect of the invention. Angles teaches information being stored which is related to a user for example content from a content provider (an advertising computer) but does not explicitly teach the ability to store specific files for the user in an area assigned to each user. Prust is relied upon for teaching the storage of specific files for the user in an area assigned to each user wherein Prust teaches a method for providing a remote storage area specifically for users in a computer networking environment wherein it would be considered desirable to store files remotely. The remote storage device disclosed by Prust is divided so that each user is assigned a specific storage area. The user is then able to access the remote storage from different locations over a network communication line from a user terminal. The user is also able to copy and store data files in their storage area (Prust, column 1, lines 30-37).

18. (B) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

Art Unit: 2142

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art would have been motivated to further enhance the teaching of Angles, wherein Angles teaches the utilization of a local storage medium by a user, by having the user utilize a remote storage area wherein content can be stored remotely.

19. Therefore, in view of the above, Angles in view of Prust disclose or at least suggest claims 1, 10 and 19 the claims 2-9, 11-18 and 20-27 which depend directly or indirectly on claims 1, 10 and 19.

Art Unit: 2142

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blaser et al. (US 7,181,415 B2) teaches the targeting of advertisements to users of an online service.

Apte et al. (US 7,225,142 B1) teaches interactive multimedia advertising and electronic commerce on an hypertext network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER